

SEP. 27. 2005 4:06PM

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NO. 0359 P. 7

SC 550-291

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/093,265	12/06/2001	Daniel Joseph Wolff	550-291	4471

7590 06/23/2005  
 NIXON & VANDERHYTE P.C.  
 8th Floor  
 1100 North Glebe Rd.  
 Arlington, VA 22201-4714

EXAMINER
BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

CLT/MATTER # 550-291  
 MAIL DATE 6/28/05  
 DUE DATE Sep 28, 2005  
 FINAL DEADLINE Dec 28, 2005  
 DOCKETED BY TJL/BKG  
Kn

PTO-90C (Rev. 10/03)

<b>Office Action Summary</b>	Application No. 10/003,265	Applicant(s) WOLFF ET AL.	
	Examiner Christopher J. Brown	Art Unit 2134	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 08 June 2005.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-36 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-943)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 9/27/2005

4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_

 U.S. Patent and Trademark Office  
 PTO-326 (Rev. 1-04)

Office Action Summary

Part of Paper No./Mail Date 20050618

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### DETAILED ACTION

#### *Drawings*

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are of an informal nature and are not of uniform appearance and thickness. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-9, 12, 13, 15-21, 24, 25, 27-33, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu US 2002/0038339 in view of Tso US 6,088,803.

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As per claims 1, 13, and 25 Xu teaches a proxy network device, [0111]. Xu teaches the device receives an access request issued by a client device to said file storage device, [0115]. Xu teaches use of dedicated access protocols, [0173]. Xu teaches that the file storage device processes the request [0115]. Xu teaches the ability to scan for malware, but does not explicitly teach malware scanning, [0177].

Tso teaches scanning files for malware, (Col 2 lines 26-33, 38-45).

It would have been obvious to one of ordinary skill in the art to use the malware scanning of Tso with the proxy device of Xu because scanning for viruses would enhance network security.

As per claims 3, 15, and 27, Xu teaches use of the NFS protocol, [0173].

As per claims 4, 16, and 28, Xu teaches that the proxy device shares the same ID (IP address) as the file storage device, [0115].

As per claims 5, 17, and 29, Xu teaches that the proxy is attached to a plurality of storage devices, each having a separate identifier, [0120].

As per claims 6, 18, and 30, Xu teaches that the proxy has a unique identifier compared to the storage device, [0116].

As per claims 7, 19, and 31, Tso teaches scanning for malware using algorithms, (Col 3 lines 40-53).

As per claims 8, 9, 20, 21 32, and 33, Tso teaches storing files previously accessed and scanned to shorten access times for clients, (Col 5 lines 1-13).

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As per claims 12, 24, and 36, Tso teaches load balancing with multiple proxies, [0178].

Claims 2, 14, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu US 2002/0038339 in view of Tso US 6,088,803 in view of Edmonds US 6,230190

As per claims 2, 14, and 26 the previous Xu-Tso combination teaches use of NFS protocol (Xu [0173]). The Xu-Tso combination fails to teach SMB protocol.

Edmonds teaches that the use of NFS and SMB protocols are equivalent, (Col 4 lines 30-35). It would have been obvious for one of ordinary skill in the art to use the SMB protocol of Edmonds with the network system of Xu-Tso because the extra protocol would expand the flexibility of the system.

Claims 10, 22, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu US 2002/0038339 in view of Tso US 6,088,803 in view of Cuomo US 2002/0091757.

As per claims 10, 22, and 34, the previous Xu-Tso combination teaches a proxy in a network. Xu-Tso fails to teach forwarding access attributes to a file storage access device for a validation check.

Cuomo teaches a proxy that forwards user attributes to the device the user is trying to access, wherein the device processes the authentication request, [0007].

It would have been obvious to one of ordinary skill in the art to use the proxy forwarding of Cuomo with the system of Xu-Tso because the authentication at the file storage device enhances the security of the system.

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Claims 11, 23, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu US 2002/0038339 in view of Tso US 6,088,803 in view of Cuomo US 2002/0091757 in view of Chang US 6,715,082

As per claims 11, 23, and 35, the previous Xu-Tso-Cuomo system fails to teach storing the predetermined authentication attributes.

Chang teaches storing usernames in a system cache, (Col 8 table 1).

It would have been obvious for one of ordinary skill in the art to use the cache of Chang with the system of Xu-Tso-Cuomo because the cache allows the user to gain access more rapidly.

#### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

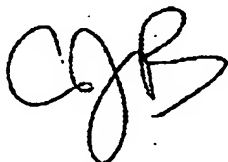
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

6/18/05



David Y. Jung  
Primary Examiner

David Y. Jung  
Primary Examiner

6/25/05

